

REMARKS/ARGUMENTS

In the Office Action dated September 21, 2004, claims 6-9 were pending in the Application. The Examiner rejected claims 6-9. With this response, claims 6-9 have been canceled by the Applicant without prejudice. In addition, the Applicant has added new claims 10-19.

The original claims 6-9 were rejected due to statutory double patenting based on 35 U.S.C. §101, non-statutory double patenting based on judicially created doctrine, and obviousness based on 35 U.S.C. §103(a) as being unpatentable over Kokubu (U.S. Pat. No. 5,801,614) in view of Cremers et al. (U.S. Pat. No. 5,742,236).

New claims 10-19 address the previous concerns of the Examiner. The new claims 10-19 are fully supported by the Specification and it is believed that they contain no new matter. In addition, none of the references, either alone or in combination with one another, teach, suggest, or imply, all of the elements of claims 10-19.

Kokubu teaches a system wherein a communicating card (2) replaces a mechanical key. The card communicates with a knob rotation inhibiting means (27) to allow the manual actuation of an ignition knob (23) (see Col. 6, lines 42-54). Rotating the ignition knob (23) releases a steering wheel lock and temporarily engages the starter motor, starting the engine and allowing operation of the vehicle (see Col. 11, lines 33-51). Kokubu describes an embodiment as follows: "Accordingly, using the IC card 2 provides the same function as an ordinary or conventional ignition key." (see Col. 12, lines 49-51).

Cremers et al. teaches a system wherein control electronics 18 recognize a key code 34 and subsequently supply a release signal 19, allowing a key 14 to start an engine or to release an electromagnetic door lock for example (see Col. 5, line 58-Col. 6, line 3). The key 13 and the key code 34 are taught as being used together to allow access to the desired system. In this regard, when one component is missing, access is denied or further security systems are triggered. (for example, see Col. 6, lines 4-11).

Current independent claim 10 claims "an operation mode selection mechanism able to select one of at least three operation modes." The Applicant respectfully submits that the teachings of Kokubu and Cremers et al, either alone or in combination with one another, do not explicitly teach, imply, or suggest the ability of a security system to offer selectable operation modes.

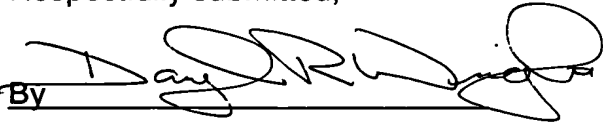
Claim 10 also claims "during the third mode time period, the mechanical key inserted into the switch without the presence of the ID device is sufficient to operate the switch." Kokubu and Cremers et al, either alone or in combination with one another, do not teach, imply, or suggest the ability to set a time period for operation via only the mechanical key. For example, in the inventions of Kokubu and Cremers et al, either alone or in combination with one another, the owner of a vehicle would have to provide a mechanical key and potentially private information (e.g., the control element can be designed in the form of an access ID-card or a motor vehicle registration certificate, Cremers et al. Col. 4, lines 32-33, and an IC card is used as a driver's license, Kokubu Col. 1, lines 12-18) to a valet in order for the valet to be permitted to temporarily operate the vehicle. This could be a troubling aspect of these systems for owners concerned about identity theft or loss of personal information.

Independent claim 13 claims "two or more ID devices including identifying data." Cremers et al. and Kokubu each provide for multiple users of their systems, but neither teaches nor suggests that the security system be extended to require two or more ID devices. For example, an armored truck could require the presence of both the driver and a guard in order to operate. This would prevent either the driver or the guard from independently attempting to commandeer the vehicle. In addition, a juvenile could be prevented from driving a vehicle unless another licensed driver was accompanying them. As a further example, a bank vault could restrict access until all of the proper members of the management team were present. By requiring one or more ID devices of another person, the chances of a single person improperly accessing a system are reduced.

Independent claim 14 claims "a coincidence determination mechanism for ascertaining whether or not the identifying data of the ID devices satisfies the stored predetermined condition required for access." Kokubu teaches that an ID code from the IC card must correspond to the preset register code (see Col. 10, lines 23-29) in order to unlock the mechanism. Cremers et al. teaches that the control electronics 18 recognizes the key code 34 (see Col. 5, line 63-Col. 6, line 1) and that in the case of the key code 34 matching a stored value, the control electronics 18 supplies the release signal 19. The current invention allows a more flexible configuration. The specific data stored on the ID devices does not have to be pre-stored in the receiving mechanism in order to indicate a valid user of the system. As claimed, the data can be within a range, within a category, above or below a certain point, or even satisfying a number of separate conditions. For example, for insurance reasons only people 25 and older may be permitted to operate a vehicle. In addition, only people over a certain height may be allowed access to restricted areas of a manufacturing plant or only females may be allowed entry to gender specific floors in a co-education dorm.

Independent claims 10, 13, and 14, have at least one element not currently taught, implied, or suggested, in any of the references, either alone or in combination with one another. Since MPEP §2143.03 requires that all claim limitations must be taught or suggested, the Applicant respectfully requests that the rejections against the current Application be reconsidered and withdrawn. All other claims depend from one of the three independent claims 10, 13, and 14. Therefore, allowance of the independent claims would result in the allowance of the remaining dependent claims. At this time the Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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